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Patente, Marken u. Lizenzen

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Application No. 04 017 067.2 - 2115 ✓	Ref 2063012166/KES	Date 26.01.2006
Applicant BASF CORPORATION		

T: BD 05.06.06 not ac

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Müller, M
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 26.01.2006
Date

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Anmelde-Nr.:
Application No : 04 017 067.2
Demande n°:

The examination is being carried out on the **following application documents**:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-33 as originally filed

Cited documents

D1: US-A-2002169227

D2: US-A-5340900

D3: US-A-2002035165

Novelty (Article 54(1) and (2) EPC)

Example 4 of D1 discloses a resin composition comprising

- (i) water, corresponding to the blowing agent as cited in the present claims,
- (ii) amine-initiated polyol (4) which is Voranol 800, being an amine-initiated tetrol with a molecular weight of 280, thus corresponding to the first polyol as cited in the present claims,
- (ii) polymer polyol A(2), which is an ethylene oxide capped polypropylene oxide triol having a molecular weight of 4300 and thus corresponds to the second polyol as cited in the present claims, and
- (iii) aminated polyether (7) which is Jeffamine T-403, being a trifunctional aminated polyether with a molecular weight of 440, thus corresponding to the curing component of the present claims.

The composition is used to prepare polyurethane foams with MDI, which is diphenylmethane diisocyanate and thus corresponds to component (b) as cited in the present claims.



Bescheid/Protokoll (Anlage)

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Anmelde-Nr.:
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Demande n°:

The subject-matter of at least independent claim 1 thus lacks novelty over D1.

Example 6 of D2 discloses a composition comprising

- (i) Quadrol L,
- (ii) Lupranol 2042, and
- (iii) Jeffamine D2000.

Quadrol is tetrakis(2-hydroxypropyl)-ethylenediamine which has an OH functionality of four and a molecular weight of 290 and thus corresponds to the first polyol cited in the present claims.

Lupranol is a trimethylolpropane started polyoxypropylenepolyoxyethylenetriol (see column 10, lines 38 - 42 of D2 and page 5, right column of D3) and has an equivalent weight of 2150, corresponding to a number-average molecular weight of 6450 and thus corresponds to the second polyol as cited in the present claims.

Jeffamine D2000 is an amino terminated polypropylene glycol having a molecular weight of 2000 and thus corresponds to the curing component of the present claims.

The above polyol composition is reacted with diisocyanatodiphenylmethane. During the reaction, a blowing agent may be present (claim 15 of D2).

Consequently, the subject-matter of at least independent claim 1 lacks novelty over D2.

Inventive step (Article 56 EPC)

In case, the applicant should be able to identify a feature distinguishing the claimed subject-matter from the cited prior art, for an inventive step to be acknowledgeable, it must be shown by submission of comparative experiments that this feature solves a problem over the cited art in an unexpected way.

Clarity/Support/Formal objections (Article 84 EPC)

(A) The relative term "low water absorption" renders the scope of claims 26 and 30 unclear.



Bescheid/Protokoll (Anlage)

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Communication/Minutes (Annex)

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Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
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Demande n°:

(B) The present application documents appear not to contain any drawings. Consequently, any reference to drawings on pages 3 - 4 of the present application must be deleted.

(C) According to the description, page 6, line 35, the fact that the isocyanate component (b) comprises diphenylmethane diisocyanate is an optional embodiment of the present application only. The latter is in contradiction with independent claims 26 and 30 according to which the isocyanate component (b) must comprise diphenylmethane diisocyanate.

(D) The last paragraph on page 11 renders the subject-matter to be covered by the present application unclear. Said paragraph consequently must be deleted.

(E) To meet the requirements of Rule 27(1)(b) EPC, the documents cited in this communication should be identified in the description and the relevant background art disclosed therein should be briefly discussed (cf. Guidelines CII 4.3).

The applicant is invited to attend to the above objections. It is noted in this respect that the application can only be amended in such a way that the amended subject matter does not extend over the disclosure of the application as originally filed (Article 123(2) EPC). Thus, if the Applicant intends to amend the application, he should

- (i) identify **each and every** amendment, preferably by including the amendments in handwriting into the original text and
- (ii) indicate for **each and every** amendment where support can be found in the original disclosure.

Reference is made in this respect to the Guidelines, Part E, Chapter II, item 1.

Further, in case of claim amendments, the description should be adapted accordingly.